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30 April 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. Dean Pohlenz, Administrative Assistant to Senator Roman L. Hruska (R., Neb.), on the Ervin Bill (S. 782)

1. Following the suggestion of Senator Milton Young (R., N. Dak.), I met with Senator Hruska's Administrative Assistant, Mr. Dean Pohlenz, today and reviewed with him in some detail the background and status of our problems regarding Senator Ervin's bill on constitutional rights for Government employees (S. 782). This meeting was somewhat of a preliminary to a possible second meeting with Senator Hruska personally. Mr. Pohlenz is a knowledgeable individual, for in addition to having served as the Senator's Administrative Assistant, he has previously occupied positions of responsibility in the Office of Emergency Planning and in the Office of Civil and Defense Mobilization.

2. I reviewed with Pohlenz the history of S. 1035 (Senator Ervin's original bill) in the 90th Congress and brought him up-to-date on developments between the Agency and Senator Ervin in the current Congress. I gave him a package of material on the bill which included the exchanges of correspondence between the Director and Senator Ervin, our paper entitled "CIA - Personal Security and Suitability," and our paper on specific problems which S. 782 would create for the Agency. While I would not categorize Pohlenz as an Agency supporter, he seemed to appreciate the problems which this bill would pose for sensitive agencies, as I had described them and offered some constructive suggestions as to how we might accomplish our purposes.

3. Mr. Pohlenz asked some pertinent questions such as "What are your Southern friends (Russell and Stennis) and the Administration doing for you?" I told Pohlenz the Director had talked to Senator Ervin about the bill and had been unable to convince him, and he had talked with Senators Russell and Stennis. They have presumably spoken to Senator Ervin, also without apparent success. I explained that Russell and Stennis seemed reluctant to interfere with Senator Ervin's prerogatives as Chairman of the Constitutional Rights Subcommittee, on the ostensible grounds of senatorial courtesy. They had suggested however that the Agency attempt to present its case to that Subcommittee.

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4. I went on to say that since Senator Ervin had refused the Director's request for an opportunity to appear before the Subcommittee in executive session, we were following the advice of our Committee members in attempting to explain our problems with the bill to the members of that Subcommittee personally. Pohlenz said that whatever we expected of Senator Hruska we should not expect him to "grab Senator Ervin by the lapels and shake him into changing his mind regarding this bill." In a friendly way, I advised Pohlenz that we really did not expect that anyone could change Ervin's views regarding the Agency's position on this bill but had hoped that, if given an opportunity to talk to the members of Ervin's Subcommittee, they would have some understanding of the problems confronting us when the bill came before the Subcommittee for action.

5. Mr. Pohlenz explained that in this type of a Subcommittee situation the Chairman's views usually prevailed. He added that a member of the Subcommittee would be very reluctant to buck the Chairman on one of the Chairman's bills since the next time the shoe might be on the other foot and the member might well need the Chairman's support. He said it was very rare for a Subcommittee member to ask the Chairman to put a bill to a vote in the hope of overriding the Chairman's position. This type of procedure is usually reserved for full Committee action. At this point he asked me if I knew the views of any of the full Committee members. I told him that we had discussed our problems with Senator Eastland who had indicated strong support for our position. Pohlenz said this was the best news I could have given him regarding our chances of success.

6. In response to his question concerning action by the Administration on our behalf, I told Pohlenz that we had discussed the problem at some length with Ken Belieu, of the White House staff, who expressed his personal support of our position. Pohlenz tended to minimize Belieu's position and asked if we knew whether he had talked with anyone "up the line" about it. I told him I assumed he had talked with Bryce Harlow, but that I could not be certain about this. He asked whether the Director had taken this problem up with anyone like Henry Kissinger and I responded that to the best of my knowledge he had not. When asked why he had not, I said I thought the Director was reluctant to trouble Mr. Kissinger with a problem which we hoped to be able to resolve.

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7. Pohlenz said he thought that we had done the right thing in asking Ervin for an opportunity to appear before his Subcommittee in executive session, but since it appeared we would be unable to carry the day in the Senate without outside assistance he thought the matter should be raised at a high Administration level (at least at an NSC meeting.) I explained that the Director had discussed this at a USIB meeting and it was my understanding that Secretary Laird had expressed concern regarding the effect this legislation would have on DOD employees in sensitive positions. I also pointed out that NSA was equally concerned about the bill.

8. As our meeting concluded, Mr. Pohlenz said that if the Director was as concerned about this bill as it appeared he was (and rightly should be) he felt he should obtain Administration backing. He said he would talk with Senator Hruska and would try to arrange for Mr. Maury and me to meet with the Senator on this some time next week. He added, however, that if the Senator seemed favorably disposed toward our position it would be a net loss for us to take the time to go over this ground with him. I expect to hear from Mr. Pohlenz within the next few days.



Deputy Legislative Counsel

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